IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT APPEAL Nos.1627 AND 1628 OF 2005

Between:

M/s.United Auto Tractors Limited,

a company registered under the Indian

Companies Act, 1956, represented by its

Managing Director S.N.Bhalla,

R/o.House No.2-316/3/2, Road No.14,

Banjara Hills, Hyderabad.

..... APPELLANT

AND

The Estate Officer & Manager – Recoveries,

Andhra Pradesh Industrial Infrastructure

Corporation Limited, Office in 6th Floor,

Parishrama Bhavan, Basheerbagh,

Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

WRIT APPEAL Nos.1627 AND 1628 OF 2005

O R D E R

(Per Sri Justice J.Chelameswar)

These two writ appeals arise out of a common order passed by the learned single Judge of this Court in Writ Petition Nos.12066 and 12152 of 2005, dated 21.07.2005. By the said order, the learned Judge dismissed both the writ petitions.

The petitioner is the same in both the writ petitions and it is a limited company, which was allotted two parcels of land by the third respondent Company, a Government Company of the State of Andhra Pradesh within the meaning of Section 617 of the Companies Act. What exactly are the terms and conditions by which the petitioner was put in possession of the land are not available on record. Admittedly, there were proceedings issued by the third respondent purporting to terminate the relationship between the petitioner and the third respondent, by which the petitioner was put in possession of two parcels of land referred to earlier.

Consequent upon the termination of legal relationship referred to earlier, the proceedings were initiated against the petitioner to evict from the abovementioned parcels of land under the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1968 (for short 'the Act') and eventually an order of eviction under Section 5 of the Act came to be passed directing the petitioner to vacate both the parcels of land referred to earlier. Aggrieved by the same, the petitioner carried the matter in appeal invoking Section 9 of the Act. Both the appeals were dismissed. Aggrieved by the same, the petitioner filed two writ petitions, which were dismissed by a common order impugned in the instant writ appeals.

Learned counsel for the appellant, Sri B.Vijaysen Reddy, argued that an appeal under Section-9 of the Act has to be decided either by the District Judge or some other Judicial Officer in that District having not less than ten years standing, as the District Judge may designate, but not by an Additional District Judge who has less than ten years standing. The learned single Judge after an elaborate discussion and for cogent reasons supported by authorities, rejected the submission of the petitioner. We see no reason to interfere with either the conclusions arrived at or the reasons given by the learned single Judge.

The other submission made by the learned counsel for the petitioner is that the decision of the third respondent to terminate the legal relationship between the petitioner and the third respondent itself is illegal thereby rendering that the petitioner is in 'unauthorised

occupation' within the meaning of the expression as defined under Section 2 (h) of the Act and the appellate authority ought to have considered whether the termination of the legal relationship between the petitioner and the third respondent is legally valid.

We are afraid the submission cannot be accepted. The decision to terminate the legal relationship between the petitioner and the third respondent (whatever be the nature of the legal relationship) cannot be the subject matter of an enquiry under the A.P. Public Premises (Eviction of Unauthorised Occupants) Rules, 1968. If the petitioner has any grievance regarding the correctness of the decision of the third respondent terminating the legal relationship, the petitioner ought to have pursued proper remedy before the appropriate Forum. But the appeal filed under Section 9 of the Act before the appellate authority, is certainly not a Forum in which such a dispute can be agitated. The whole scheme of the A.P. Act 20 of 1968, is almost in the nature of execution proceedings pursuant to the decree in a Civil Suit. Therefore, we do not see any merit in the second submission also.

Accordingly, the writ appeals are dismissed at the stage of admission itself.

JUSTICE J.CHELAMESWAR

15th SEPTEMBER, 2005 JUSTICE M.VENKATESWARA REDDY

PGS

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15TH SEPTEMBER, 2005